

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DOMINICA R. ZELLER, ELANA P. CARROLL,
SHARI MERRILL, TAMMY MEUNIER, SHEILA F.
MURPHY, SHERI BROOKING-VAN LONE, AMY
CROSS, AMY STOWE, JANE PIETKIVICH,
RUBY OWENS and JANICE BARTOLDUS
on behalf of themselves and all others
similarly situated,

Plaintiffs,

Civil Action No. 13-cv-
05035,)(JO)

**FINAL APPROVAL
ORDER**

-against-

PDC CORPORATION, d/b/a PDC OF NEW YORK,
PARAMEDS.COM, INC., d/b/a PDC RETRIEVALS,
RES SERVICING CORP. and ELI ROWE,

Defendants.

**ORDER GRANTING PLAINTIFFS' PLAINTIFFS' UNOPPOSED MOTION FOR
CERTIFICATION OF THE SETTLEMENT CLASSES, FINAL APPROVAL OF THE
CLASS ACTION SETTLEMENT, FINAL APPROVAL OF THE SETTLEMENT OF
THE FLSA COLLECTIVE CLAIMS, APPROVAL OF ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES, AND FOR APPROVAL OF SERVICE AWARDS
TO NAMED PLAINTIFFS**

The above-entitled matters came before the Court on Plaintiffs' Unopposed Motion for Certification of the Settlement Classes, Final Approval of the Class Action Settlement, Final Approval of the Settlement of the FLSA Collective Claims, Approval of Attorneys' Fees and Reimbursement of Expenses, and for Approval of Service Awards to Named Plaintiffs ("Motion for Final Approval").

1. The parties' proposed settlement resolves all claims asserted in the action entitled Dominica Zeller, et al. v. PDC Corporation, et al., 13-cv-05035 (ARR-JO). The procedural history of the action is stated in the Report and Recommendation recommending the granting of the Motion for Preliminary Approval and is adopted by reference herein. *See* D.E. 108.

2. Based upon the Court's review of the Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Final Approval, the Affirmation of Jesse Strauss in Support of Plaintiffs' Motion for Final Approval ("Strauss Aff."), and all other papers submitted in connection with Plaintiffs' Motion for Final Approval, the Court:

- a. Approves the establishment of a Settlement Fund of \$275,000
- b. Approves the settlement of Plaintiffs' FLSA collective claims;

- c. Certifies classes under New York State Labor Law ("NYLL"), California Labor Law ("CLL"), the Ohio Minimum Fair Wage Standards Act, ("OMFWSA"), the Maine Minimum Wages Statute ("MMWS"), the Illinois Minimum Wage Law, ("IMWL"), the Connecticut Minimum Wage Act ("CMWA"), Wisconsin Minimum Wage Law ("WIMWL") consisting of consisting of as all individuals employed as Medical Record Retrievers for Defendants from June 1, 2009 to June 1, 2015 for those located in New York State, September 9, 2007 to September 9, 2013 for those located in Maine, September 9, 2009 to September 9, 2013 for those located in California, September 9, 2010 to September 9, 2013 for those located in Illinois and Ohio, and September 9, 2011 to September 9, 2013 for those located in Connecticut and Wisconsin, and who did not opt-out of the class;
 - d. Grants Class Counsel, Strauss Law PLLC, \$91,657.50 to be paid from the Settlement Fund.
 - e. Grants Class Counsel, Strauss Law PLLC, reimbursement of \$1,936.52 in costs to be paid from the Settlement Fund.
 - f. Awarding Service Awards to Named Plaintiffs in the Following Amounts: 2,000 to Sheri Brooking-Van Lone, \$2,000 to Amy Cross, \$15,000 to Dominica Zeller, \$10,000 to Amy Stowe, \$6,000 to Jane Pietkivitch, \$5,000 to Shelia Murphy, \$10,000 to Tammy Meunier, \$10,000 to Shari Merrill, \$6,000 to Elena Carroll. Service Award shall be paid from the Settlement Fund.
 - g. The Class Action Administrator is directed to continue to search for the sole Class Member for whom no address could be located for a period of 30 days. Should the class member be located, Class Notice shall be sent promptly and shall provide for a 30-day period to opt-out or object beginning on the Class Notice postmark date. Class counsel shall promptly notify the Court if a timely objection is received and seek guidance on the process for resolving the objection. If no objection or opt out is received, payment of the Class Member's settlement amount shall be made promptly after the objection and opt out period expires.
3. The Court adopts the following process for payments of the above amounts from the Settlement Fund:
- a. No later than 10 days after this Final Approval Order, Defendants shall deposit Settlement Amount into the fund managed by the Settlement Claims Administrator. The Effective Date of the settlement will be 30 days after entry of the Court's Order Granting Final Approval or, in the event of an appeal after the Court's Order Granting Final Approval of the Settlement, the day after all appeals are resolved in favor of final approval.
 - b. No later than ten (10) business days after the Effective Date, the Settlement Claims Administrator will mail payment to all Collective Members and Class Members, which shall include each Class and Collective member's pro-rata share of the award for the Class Member for whom no address could be located. Payment of all court ordered attorney fees, and costs, will also be issued at that time. Service Awards will be issued to recipients within ten (10)

business days after such Service Award recipient has returned a signed Supplemental Release to Defendants' Counsel. *Id.*, §§ 2(l), 3(c).

SO ORDERED.

/s/ James Orenstein

U.S.M.J.

Dated: Brooklyn, New York

8/09/2016